

## Message Text

UNCLASSIFIED

PAGE 01 STATE 063640  
ORIGIN DLOS-06

INFO OCT-01 EUR-12 ISO-00 ACDA-10 AGRE-00 AID-05  
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DODE-00  
DOTE-00 EB-08 EPA-04 ERDA-07 FMC-02 TRSE-00 H-02  
INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05  
NSF-02 OES-06 OMB-01 PA-02 PM-04 PRS-01 SP-02  
SS-15 SAL-01 CAB-05 FAA-00 AF-08 ARA-10 EA-09  
NEA-10 NSCE-00 SSO-00 USIE-00 INRE-00 FEA-01  
OIC-02 /171 R

DRAFTED BY D/LOS:GTAFT:PMA  
APPROVED BY D/LOS:GTAFT  
EB/OA/AVP:JSGRAVATT  
IO/TRC:CHARTLEY

-----222330Z 045910 /63

O 222238Z MAR 77  
FM SECSTATE WASHDC  
TO AMCONSUL MONTREAL IMMEDIATE

UNCLAS STATE 063640

E.O. 11652: N/A

TAGS: EAIR, PLOS, ICAO, PORG

SUBJECT: REVIEW OF DIRECTIVES TO THE ICAO OBSERVER  
AT THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF  
THE SEA (C-WP/6479)

1. THE SUBJECT PAPER PROCEEDS ON THE BASIS THAT THE  
REVISED SINGLE NEGOTIATING TEXT OF THE LAW OF THE SEA  
CONFERENCE AS IT RELATES TO THE LEGAL STATUS OF THE  
ECONOMIC ZONE IS THE FINAL WORD ON THE SUBJECT. IN  
FACT, THE UNITED STATES IS OPPOSED INTER ALIA TO ARTICLE 75,  
WHICH STATES SPECIFICALLY THAT THE ZONE IS NOT HIGH  
SEAS. AS A LEGAL MATTER THE ZONE IS IN FACT HIGH SEAS  
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 063640

FOR CERTAIN PURPOSES, E.G. NAVIGATION AND OVERFLIGHT,  
AND NOT HIGH SEAS FOR OTHER PURPOSES, E.G. COASTAL  
STATE RESOURCES JURISDICTION.

2. US REP SHOULD THUS AT THIS TIME NOT ENDORSE ICAO  
SUPPORT FOR THE ARTICLE CONTAINED IN PARA. 4 OF C-WP/6479  
BECAUSE IT IS PREJUDICIAL TO OUR EFFORTS TO AMEND THE

PERTINENT ARTICLES RELATED TO THE LEGAL STATUS OF THE ECONOMIC ZONE.

3. WITH REGARD TO PARA. 7, THE REVISED SINGLE NEGOTIATING TEXT RECOGNIZES A RIGHT OF ALL AIRCRAFT, BOTH MILITARY AND CIVIL, TO EXERCISE ARCHIPELAGIC SEALANES PASSAGE OVER THE WATERS OF THE ARCHIPELAGO. THUS, WHILE THE ARCHIPELAGIC STATE WOULD HAVE SOVEREIGNTY WITHIN THE ARCHIPELAGO, INCLUDING OVER ARCHIPELAGIC WATERS, THIS RIGHT OF OVERFLIGHT WOULD BE RECOGNIZED.

4. WE DO NOT RECOMMEND THAT ICAO BE THE FORUM FOR A LAW OF THE SEA DEBATE ON THE ISSUES RAISED IN THE FOREGOING PARAS. WE BELIEVE IT WOULD BE APPROPRIATE FOR THE ICAO OBSERVER TO CONTINUE TO REFRAIN FROM INTERVENING IN THE DEBATE ON THE ECONOMIC ZONE AT LEAST UNTIL THE COUNTRIES INVOLVED HAVE AGREED ON A SUITABLE ACCOMMODATION ON THE LEGAL STATUS OF THE ECONOMIC ZONE. IF IT IS NECESSARY FOR SOME REASON FOR THE ICAO OBSERVER TO MAKE A STATEMENT, IT SHOULD MERELY BE TO REMIND DELEGATES THAT THEIR DELIBERATIONS MAY AFFECT THE REGIME OF INTERNATIONAL CIVIL AVIATION AND THAT THEY SHOULD CONSIDER THE CHICAGO CONVENTION REQUIREMENTS IN COMING TO ANY CONCLUSIONS.

VANCE

UNCLASSIFIED

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** DOCUMENTS, LAW OF THE SEA, ECONOMIC COOPERATION, NEGOTIATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 22-Mar-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01-Jan-1960 12:00:00 am  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977STATE063640  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** GTAFT:PMA  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770098-0701  
**Format:** TEL  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1977/newtext/t19770334/aaaabdbe.tel  
**Line Count:** 87  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 2cda34b4-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN DLOS  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 27-Sep-2004 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3031884  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** REVIEW OF DIRECTIVES TO THE ICAO OBSERVER AT THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA (C-WP/6479)  
**TAGS:** EAIR, PLOS, PORG, ICAO  
**To:** MONTREAL  
**Type:** TE  
**vdkgvkey:** odbc://SAS/SAS.dbo.SAS\_Docs/2cda34b4-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009